

REMARKS

Claims 1, 2 and 4 to 8 and 10 to 21 are pending in the application.

As a result of the foregoing amendment, the subject matter of claim 3 and a feature of claim 2 have been included in claim 1. Claim 3 has been deleted.

With respect to the rejection of claims 18 and 19 under 35 U.S.C. 112, second paragraph, the Examiner will note that claim 18 has been amended to correct the antecedent basis of the term articulation. Specifically, the terminology used in claim 1, i.e., joints, has now been also used in claim 18.

Concerning the objections to the claims in paragraphs 3 to 5 of the Office Action, the Examiner will note that the claims have been corrected as required.

Reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5 and 8 under 35 U.S.C. 102(b) as being anticipated by Spear et al, are respectfully requested.

Applicant respectfully submits that the claims in the application are not anticipated by the reference to Spear et al. In fact, Applicant believes that the Examiner has not accurately evaluated the reference to Spear et al.

Specifically, it is not correct that the reference discloses a roof which is supported by main bearings and which can be pivoted about the main bearings. Rather, the reference merely provides trolleys 47 with rollers 48. It is not possible at any time to pivot the roof about these trolleys. There is not even a pivoting axis around which the roof could be pivoted.

The reference to Seel et al, which was cited by the Examiner in rejecting claim 1 under 35 U.S.C. 102(b) and claim 3 under 35 U.S.C. 103(a), discloses in its totality a pivoting motion of the roof and no translatory motion. This can only be effected by means of a multiple joint arrangement so that even the first lifting of the front roof part from the windshield frame already constitutes an upward component and a movement about a joint, i. e., not a translatory motion as is the case in the present invention. Also, the pivoting movements are superimposed, so that pivoting of the roof takes place from the beginning. In this connection, the principal bearing is not movable rearwardly, but stays at its position. The

multiple joint arrangement is configured in such a way that the path of movement extends almost horizontally when the roof makes contact with the windshield frame, i.e., not already over the last few centimeters in front thereof. However, this also does not constitute a pure translatory motion. The primary bearing itself is not displaced.

Accordingly, it is respectfully submitted that in view of the limitations added from the dependent claims to claim 1, this application is in condition for allowance, especially since claims 11 through 17, 20 and 21 are already indicated as being allowable.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 4, 2008.

By: 
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